

1 Bradley T. Austin
2 SNELL & WILMER, LLP
3 3883 Howard Hughes Pkwy, Suite 1100
4 Las Vegas, NV 89169
5 Tel: 702-784-5200
6 Fax: 702-784-5252
7 Email: baustin@swlaw.com

5 Zachary A. McEntyre (admitted *pro hac vice*)
6 Misty L. Peterson (admitted *pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street, N.E.
7 Atlanta, GA 30309-3521
Tel: 404-572-4600
8 Fax: 404-572-5100
Email: zmcentyre@kslaw.com
9 mpeterson@kslaw.com

10 Attorneys for Defendant Equifax
Information Services, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

13 SHARON BARNUM, JERRY P. CABEBE,
14 ROBERT SUSTRIK, and all similarly situated) Case No. 2:16-cv-02866-RFB-NJK
individuals,
15 Plaintiffs,
16 vs.
17 EQUIFAX INFORMATION SERVICES, LLC,
Defendant.
)
)
)
)
)
)
[PROPOSED] JOINT NOTICE AND
MOTION TO EXTEND TIME FOR
PARTIES TO SUBMIT ORDER
PURSUANT TO DOCKET NO. 82
(FIRST REQUEST)

To further minimize the burden on the judiciary and narrow the issues for consideration by this Court to those ultimately disputed by the parties after a sufficient meet-and-confer period, the parties present this Joint Notice and Motion for Continuance of the deadline for the parties to file their “joint statement regarding each discovery request for which a dispute exists” in accordance with this Court’s order (Docket No. 82) (“Order”).

1 In accordance with the Order, Plaintiffs and Equifax met and conferred via email on
2 Tuesday through Thursday, December 19-21, and held a productive telephone conference on
3 Thursday. The parties were unable to confer by telephone on Wednesday due to the unavoidable
4 travel itinerary of lead counsel for one of the parties.

5 The parties agreed that developments in two discovery processes will inform the scope of
6 the disputed items between the parties for this Court's consideration, if not meaningfully alter-
7 the nature of those disputes.

8 First, the parties are actively working to address Plaintiffs' concerns regarding the
9 Equifax Master Agreement with FIS Card, which Plaintiffs argue "appears to be an incomplete
10 document." Docket No. 75 at 21. They seek "the complete contents of the controlling Master
11 Agreement during the Relevant Time period." *Id.* Equifax disagrees with the facts as set forth in
12 Plaintiffs' Emergency Motion and disagrees that Plaintiffs were entitled to any of the relief
13 sought in the Emergency Motion. Equifax has conducted a good-faith, reasonable search for
14 documents responsive to Plaintiffs' requests, but it is conducting one final search to
accommodate Plaintiffs' requests and has offered to produce authenticating declarations
regarding the FIS Master Agreement documents produced to date.

15 Second, Plaintiffs have served supplemental discovery requests, the responses to which
16 Equifax is due to serve by December 29.

17 The parties agreed it would be premature for this Court to consider and decide the
discovery disputes at issue before permitting developments in these two areas to run their course.
18 The parties believe that it would be more constructive for the parties to continue narrowing and
19 crystallizing the dispute in an effort to make the final joint statement submitted to this Court as
20 narrow as possible.

21 ///

22 ///

23 ///

1 To that end, the parties propose and stipulate to the following timetable:
2

3 **December 29** Equifax's deadline to serve responses to Plaintiffs'
4 supplemental discovery requests

5 **January 5** Deadline for the parties to conclude their meet-and-
6 confer efforts regarding the FIS Master Agreement and
7 Equifax's responses to Plaintiffs' supplemental
8 discovery requests

9 **January 12** Deadline for parties to submit joint statement in
10 accordance with Docket No. 82.

11 The parties do not wish to needlessly postpone resolution of the disputed discovery
12 requests; nor do they wish only to delay their efforts preparing the joint statement in accordance
13 with Docket No. 82. The parties agree that while some disputes may only be resolved or altered
14 after developments in the two areas above, there are some disputed requests that are unlikely to
15 be affected by any developments in the next two weeks. As such, the parties will work diligently
16 until January 5 to draft the sections of the joint statement pertaining to disputes that are unlikely
17 to be meaningfully affected by developments in the next two weeks.

18 Good cause exists for this extension—namely, to allow the parties additional time to
19 conduct discovery relevant to disputed items raised in Plaintiffs' Motion to Compel, Motion for
20 Leave to File Supplemental Authority, and Motion to Extend Discovery and Reopen Expert

21 ///

22 ///

23 ///

1 Discovery, and in Equifax's responses to them. Moreover, this extension will give the parties
2 time to crystallize and narrow the scope of disputed items to minimize the burden on this Court
3 and target this Court's intervention to intractable disputed issues.

4 Respectfully submitted this 22nd day of December, 2017.
5

/s/ <i>Matthew I. Knepper</i>	/s/ <i>Bradley T. Austin</i>
Matthew I. Knepper	Bradley T. Austin
Miles N. Clark	SNELL & WILMER, LLP
KNEPPER & CLARK, LLC	3883 Howard Hughes Pkwy, Suite 1100
10040 W. Cheyenne Ave.	Las Vegas, NV 89169
Suite 170-109	Tel: 702-784-5200
Las Vegas, NV 89129	Fax: 702-784-5252
Email: matthew.knepper@knepperclark.com	Email: baustin@swlaw.com
Email: miles.clark@knepperclark.com	Zachary A. McEntyre (admitted <i>pro hac vice</i>)
David H. Krieger	Misty L. Peterson (admitted <i>pro hac vice</i>)
HAINES & KRIEGER, LLC	KING & SPALDING LLP
8985 S. Eastern Avenue	1180 Peachtree Street N.E.
Suite 350	Atlanta, Georgia 30309-3521
Henderson, NV 89123	Tel: (404) 572-4600
Email: dkrieger@hainesandkrieger.com	Fax: (404) 572-5100
<i>Attorneys for Plaintiffs</i>	Email: zmcentyre@kslaw.com
	Email: mpeterson@kslaw.com
	Bryan E. Zubay (admitted <i>pro hac vice</i>)
	KING & SPALDING LLP
	1100 Louisiana Street, Suite 4000
	Houston, Texas 77002-5213
	Tel: (713) 276-7358
	Fax: (713) 751-3290
	Email: bzubay@kslaw.com
	<i>Attorneys for Defendant EQUIFAX INFORMATION SERVICES, LLC</i>

21 IT IS SO ORDERED:
22

23 
UNITED STATES MAGISTRATE JUDGE

24 DATED: December 22, 2017